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# CALIFORNIA LAWS

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RELATING TO

## ORPHANS AND THEIR SUPPORT



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# CALIFORNIA STATE CONSTITUTION.

## SECTIONS RELATING TO ORPHANS.

### ARTICLE IV.

Sec. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the controller; and no money shall ever be appropriated or drawn from the state treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the state as a state institution, nor shall any grant or donation of property ever be made thereon by the state; provided, that notwithstanding anything contained in this or any other section of this constitution, the legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; provided, further, that the state shall have at any time the right to inquire into the management of such institution; provided, further, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. . . .

Sec. 23. The legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

*Third.*—Authorizing the adoption or legitimation of children.

# CIVIL CODE.

## SECTIONS RELATING TO ORPHANS. ADOPTION.

**Child may be adopted.**

Sec. 221. Any minor child may be adopted by any adult person, in the cases and subject to the rules prescribed in this chapter.

**Who may adopt.**

Sec. 222. The person adopting the child must be at least ten years older than the person adopted. [Amended, Laws of 1873-4, p. 106.]

**Consent to adoption by wife.**

Sec. 223. A married man, not lawfully separated from his wife, can not adopt a child without the consent of his wife, nor can a married woman, not thus separated from her husband, without his consent; provided, the husband or wife, not consenting, is capable of giving such consent [Amended, Amendments 1873-4, p. 105.]

**Adoption of abandoned and deserted children.**

Sec. 224. A legitimate child can not be adopted without the consent of its parents, if living, nor an illegitimate child without the consent of its mother, if living; except that consent is not necessary from a father or mother deprived of civil rights, or adjudged guilty of adultery or cruelty, and for other cause divorced, or adjudged to be habitually intemperate in the use of intoxicants, or who has been judicially deprived of the custody of the child on account of cruelty or neglect. Neither is consent of any parent necessary in case of any abandoned child. Any child deserted by its parents without provision for their identification, or relinquished by its parent or parents for the purpose of adoption expressed in writing signed and acknowledged by such parent or parents before an officer authorized to take acknowledgments, or



before the secretary of any organization or society engaged in the work of placing dependent or deserted children into homes in this state, which organization or society has obtained a permit therefor, duly executed in writing, from the state board of charities and corrections, shall from the date of such act of desertion or of such relinquishment be deemed to be an abandoned child within the meaning of this section. Any child left in the care and custody of another by its parent or parents, without any provision for its support, for the period of one year, may after such notice to the parent or parents residing within the state and to such other relatives of said child residing within the county as the court shall require, be determined by order of the juvenile court of the county in which said child was so left to be an abandoned child within the terms of this section. Any abandoned child within the meaning of this section, or any child whose parent or parents have been judicially deprived of its custody on account of cruelty or neglect, maintained by or in the custody of any orphan asylum within this state, any charitable organization or society receiving state aid or receiving commitments from the juvenile court, may be adopted with the consent of the managers of such orphan asylum, charitable organization or society. Any orphan child for whose support no provision has been made by any person for a period of one year, but who has been maintained during said year by or in the custody of any orphan asylum within this state, any charitable organization or society receiving state aid or receiving commitments from the juvenile court, may be adopted with the consent of the managers of such orphan asylum, charitable organization or society. [Amended, Statutes 1913, p. 65.]

#### **Consent of child**

**Sec. 223.** The consent of a child, if over the age of twelve years, is necessary to his adoption.

#### **Proceedings on adoption.**

**Sec. 224.** Any person desiring to adopt a child may, for that purpose, petition the superior court of the county

in which the petitioner resides. The [1] person adopting a child, and [2] the child adopted, and [3] the other persons, if within or residents of said county, whose consent is necessary, must appear before the court, and [4] the necessary consent must thereupon be signed and [5] an agreement executed by the person adopting, to the effect that the child shall be adopted and treated in all respects as his own lawful child should be treated. If the persons whose consent is necessary are not within or are not residents of said county, then [6] their written consent, duly proved or acknowledged, according to sections eleven hundred and eighty-two and eleven hundred and eighty-three [7] must be filed in said superior court at the time of the application for adoption. [Amended, *Statutes 1907*, p. 329.]

**Judge's order in adoption proceedings.**

**Sec. 227.** The court must [1] examine all persons appearing before it pursuant to the last section, each separately, and if satisfied that the interests of the child will be promoted by the adoption, it must make an order declaring that the child shall thereafter be regarded and treated in all respects as the child of the person adopting. The petition, agreement, consent, and order must be filed and registered in the office of the county clerk in the same manner as papers in other special proceedings. [Amended, *Statutes 1903*, p. 336.]

**Effect of adoption.**

**Sec. 228.** A child, when adopted, may take the family name of the person adopting. After adoption, the two shall retain towards each other the legal relation of parent and child, and have all the rights and be subject to all the duties of that relation. [Amended, *Amendments 1873-4*, p. 186.]

**Effect on former relations of child.**

**Sec. 229.** The parents of an adopted child are, from the time of the adoption, relieved of all parental duties

towards, and all responsibility for, the child so adopted, and have no right over it.

**Adoption of illegitimate child.**

**SEC. 288.** The father of an illegitimate child, by [1] publicly acknowledging it as his own, [2] receiving it as such, [3] with the consent of his wife, if he is married, [4] into his family, and [5] otherwise treating it as if it were a legitimate child, thereby adopts it as such; and such child is thereupon deemed for all purposes legitimate from the time of its birth. The foregoing provisions of this chapter do not apply to such an adoption.

## GUARDIAN AND WARD.

**Rules for awarding the custody of minors.**

**SEC. 289.** In awarding the custody of a minor, or in appointing a general guardian, the court or officer is to be guided by the following considerations:

1. By what appears to be for the best interest of the child in respect to its temporal and its mental and moral welfare; and if the child be of a sufficient age to form an intelligent preference, the court may consider that preference in determining the question;

2. As between parents adversely claiming the custody or guardianship, neither parent is entitled to it as of right; but other things being equal, if the child be of tender years, it should be given to the mother; if it be of an age to require education and preparation for labor and business, then to the father.

3. Of two persons equally entitled to the custody in other respects, preference is to be given as follows:

(1) To a parent;

(2) To one who was induced by the wishes of a deceased parent;

(3) To one who already stands in the position of a trustee of a bond to be applied to the child's support;

(4) To a relative.

4. Any parent who [1] knowingly or willfully abandons, or [2] having the ability so to do, [3] fails to maintain his minor child under the age of seventeen years forfeits the guardianship of such child; and any parent or guardian who [1] knowingly permits his child or ward to remain for the space of one year in any orphan asylum at this state, wherein such child is supported by charity, and who, [2] during such period, fails to give notice in writing to the managers or officers of such asylum that he is such parent or guardian, abandons and forever forfeits all right to the guardianship, care, custody, and control of such child. The officers and managers of any orphan asylum having any such abandoned child in its care have the preferred right to the guardianship of such child. [Amended, Statutes 1895, p. 728.]

#### MASTER AND APPRENTICE.

**Apprenticing of poor and homeless minor.**

Sec. 204. When a minor is poor, homeless, chargeable to the county or state, or an orphan, who has no visible means of obtaining an honest livelihood, the superior court may, with his consent, bind him as an apprentice during his minority. Proceedings therefor may be instituted by any citizen, and no fee need be charged by any officer for any act in connection therewith. In all indentures by the court for binding out an orphan or homeless minor as an apprentice there must be inserted among other things, [1] a clause to the following effect: that the master to whom such minor is bound must cause him to be taught to read and write and the ground rules of arithmetic, ratio and proportion, and must give him the requisite instruction in the different branches of his trade or calling, and, [2] at the expiration of his term of service, must give him or her fifty dollars in gold, and [3] two whole new suits of clothes, to be worth in the aggregate at least sixty dollars gold. [Amended, Statutes 1895, p. 731.]

## SOCIETIES FOR THE PREVENTION OF CRUELTY TO CHILDREN.

Children who may be arrested and brought before a court or magistrate for examination.

Sec. 667a. Any child under the age of sixteen years that comes within any of the following descriptions named:

1. Who is found begging or receiving or gathering alms (whether actually begging, or under the pretext of selling or offering for sale anything), or being in any street, road, or public place for the purpose of so begging, gathering, or receiving alms;

2. Who is found wandering and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence;

3. Who is found destitute, either being an orphan, or having a violent parent who is undergoing penal servitude or imprisonment;

4. Who frequents the company of reputed thieves or prostitutes, or houses of prostitution or seduction, or dancehouses, concerts, saloons, theaters, or variety halls, or other places of amusement where liquors, malt, or vicious liquors are sold, without parent or guardian;

5. Who is engaged or used for or in any business, exhibition, vocation, or purpose, in violation of any law of this state;—

Must be arrested and brought before a court or magistrate, and when, upon examination before such court or magistrate, it appears that any such child has been engaged in any of the aforesaid acts, or comes within any of the aforesaid descriptions, or when, upon the examination or conviction of any person having the custody of a child, of a criminal assault upon it, the court or magistrate before whom such examination or conviction is had deems it desirable for the welfare of such child that the person so examined or convicted should be deprived of its custody thereafter; such court or magistrate, when it deems it expedient for the welfare of such child, may commit such child to an orphan asylum, corporation, or

society for the prevention of cruelty to children, charitable or other institution, or make such other disposition thereof as now is or hereafter may be provided by law in cases of vagrant, truant, disorderly, pauper, or destitute children. Any corporation, organized under this title, or now existing, for the prevention of cruelty to children, or any officer or member thereof, may institute proceedings under this section for the welfare of such child. [Enacted, Statutes 1906, p. 561.]

# PENAL CODE.

## ABANDONMENT AND NEGLECT OF CHILDREN.

### Deserting child.

Sec. 271. Every parent of any child under the age of fourteen years, and every person to whom any such child has been committed for nurture, or education, who deserts such child in any place whatever with intent wholly to abandon it, is punishable by imprisonment in the state prison or in the county jail not exceeding one year or by fine not exceeding five hundred dollars, or by both [Amended, Statutes 1908, p. 297.]

### Penalty for abandonment.

Sec. 271a. Every person who knowingly and wilfully abandons, or who, having ability so to do, fails or refuses to maintain his or her minor child under the age of fourteen years, or who falsely, knowing the same to be false, represents to any manager, officer or agent of any orphan asylum or charitable institution for the care of orphans, that any child for whose admission into such asylum or institution application has been made is an orphan, is punishable by imprisonment in the state prison, or in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or by both. [Amended, Statutes 1908, p. 297.]

### Person selling, apprenticing, etc., children.

Sec. 272. Any person, whether as parent, relative, guardian, employer, or otherwise, having the care, custody, or control of any child under the age of sixteen years, who exhibits, uses, or employs, or in any manner, or under any pretense, sells, apprentices, gives away, lets out, or disposes of any such child to any person, under any name, title, or pretense, for or in any business, exhibition, or vocation, injurious to the health or dangerous to the life or limb of such child, or in or for the vocation, occupation, service, or purpose of singing, play-

ing on musical instruments, rope or wire walking, dancing, leaping, or pecking, or as a gymnast, acrobat, contortionist, or rider, in any place whatsoever, or far or in any obscene, indecent or immoral purpose, exhibition, or practice whatsoever, or far or in any mendicant or wandering business whatsoever, or who craves, procures, or encourages such child to engage therein, is guilty of a misdemeanor, and punishable by a fine of not less than \$10; nor more than two hundred and fifty dollars, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Nothing in this section contained applies to or affects the employment or use of any such child, as a singer or musician in any church, school, or academy, or the teaching or learning of the science or practice of music, or the employment of any child as a musician at any concert or other musical entertainment, on the written consent of the mayor of the city or president of the board of trustees of the city or town where such concert or entertainment takes place. [Amended, Statutes 1905, p. 739.]

Person receiving, hiring, etc., children.

Sec. 273. Every person who takes, receives, hires, employs, uses, exhibits, or has in custody, any child under the age, and for any of the purposes mentioned in the preceding section, is guilty of a like offense, and punishable by a like punishment as therein provided. [Enacted, Statutes 1905, p. 739.]

Unjustifiable punishment of child.

Sec. 273a. Any person who willfully causes or permits any child to suffer, or who inflicts thereon unjustifiable physical pain or mental suffering, and whoever, having the care or custody of any child, causes or permits the life or limb of such child to be endangered, or the health of such child to be injured, and any person who willfully causes or permits such child to be placed in such situation that its life or limb may be endangered, or its health likely to be injured, is guilty of a misdemeanor. [Enacted, Statutes 1905, p. 739.]



Child not to be confined.

Sec. 2734. No child under the age of sixteen years may be placed in any prison, or place of confinement, or in any court room, or in any vehicle for transportation to any place, in company with adults charged with or convicted of crime, except in the presence of a proper official. [Enacted, Statutes 1905, p. 593.]

Court may commit child to charitable institution.

Sec. 2735. When, upon examination before a court or magistrate, it appears that any child under the age of sixteen years has been found begging, whether actually begging or under the pretext of selling anything, or wandering and not having any settled place of abode, or proper guardianship, or visible means of subsistence; or destitute, or frequenting the company of reputed thieves, or prostitutes or houses of prostitution or assignation, dance-houses, concert saloons, theaters, or places where spirituous liquors are sold; or engaged in any business, exhibition, or vocation mentioned in section two hundred and seventy-two; or in the custody of any person convicted of a criminal assault upon it; the court or magistrate may, when it deems it expedient for the welfare of such child, commit it to an orphan asylum, society for the prevention of cruelty to children, or other charitable institution, or make such other disposition thereof as now is or may hereafter be provided by law in cases of vagrant, truant, disorderly, pauper, or destitute children. [Enacted, Statutes 1905, p. 701.]

#### CHILD STEALING.

Sec. 278. Every person who maliciously, forcibly, or fraudulently takes or carries away any minor child with intent to detain and conceal such child from its parent, guardian, or other person having the lawful charge of such child, is punishable by imprisonment in the state prison not exceeding twenty years. [Amended, Statutes 1901, p. 209.]

# POLITICAL CODE.

## SECTIONS RELATING TO ORPHANS

Powers and duties of governor.

Sec. 180. In addition to those prescribed by the constitution the governor has the power and must perform the duties prescribed in this and the following section.

13. He must discharge the duties . . . of orphan asylums.

Board of control to examine books of state institutions.

Sec. 189. It shall be the duty of one or more members of the board [board of control] as may be designated by the board, or as requested by the governor, to examine and report, or cause to be examined and reported, the books of the different . . . state hospitals and other institutions, . . . at least once in each year, and often as may be deemed necessary. The officers and . . . hospitals and other institutions, . . . must permit such examination and reporting and must upon demand produce without unnecessary delay all books, accounts and papers in their respective offices, and must furnish upon demand the information touching books, papers and accounts and other matters pertaining to their respective offices. [Enacted, Statutes 1911, p. 192.]

Visiting state institutions.

Sec. 191. It shall be the duty of one or more members of the board as may be designated by such board or may be requested by the governor to visit from time to time every public institution maintained in whole, or part, by state appropriations to ascertain the condition of the same, and their wants and requirements, and as to other public buildings in course of construction to ascertain if all the provisions of law in relation to such construction and of the contracts therefor are being fully executed. [Enacted, Statutes 1911, p. 193.]

ward to supervise financial policies of state.

Sec. 682. The board shall have general powers or jurisdiction over all matters concerning the financial and business policies of the state, and shall, whenever they seem it necessary or at the instance of the governor, initiate or cause the institution of such investigations and proceedings as they may deem proper to conserve the rights and interests of the state. [Enacted, Statutes 1911, p. 536.]

superintendent of public instruction, duties.

Sec. 1531. It is the duty of the superintendent of public instruction:

Eight—To visit the several orphan asylums to which state appropriations are made, and examine into the care of instruction therein. [Amended, Statutes 1913, 775.]

appropriation of aid to orphan asylums.

Sec. 2361. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to each and every institution in this state conducted for the support and maintenance of needy minor orphans, half-orphans, or abandoned children, and to each and every county, city and county, city, or town maintaining such orphans, half-orphans, or abandoned children, or any one or all of such classes of persons, aid as follows: For each full orphan supported and maintained in any such institution, not in excess of one hundred dollars per annum; and for each half-orphan or abandoned child, not in excess of seventy-five dollars per annum; but each abandoned child must have been an inmate thereof for one year prior

receiving any support as provided in this chapter; provided, that in addition to the amount paid by the state for each half-orphan maintained at home by its mother, the county, city and county, city, or town may pay for the support of such half-orphan an amount equal to the amount paid by the state; and provided, further, that in any case where any such half-orphan is deemed aid by the

county, upon a petition setting forth the facts in full as to the necessity of aid, verified by five reputable citizens of the county, city and county, city, or town, the mother of such child shall have the right of appeal direct to the state board of control for aid for her child, and should her appeal be sustained by said board payment must be made for the child as above provided. [Amended, Statutes 1913, p. 629.]

#### Times of payment of aid.

Sec. 2284. The aid herein granted must be paid in semiannual installments, commencing on the first Mondays in January and July of each year. [Enacted, Statutes 1907, p. 900.]

#### Books to be kept by institutions

Sec. 2285. Every institution, county, city and county, city, or town entitled to aid under this chapter must keep the following books, which at all times must be open to the state board of control or to any person appointed by them to examine the same, or to any committee of the legislature, or to any clerk or officer thereof duly authorized to make such examination:

1. A book in which must be entered the date of admission, name, age, sex, and place of birth of each and every orphan, half-orphan, and abandoned child, who is or may hereafter be received or admitted into such institution, or to county aid, and the date of discharge of any such child, when such discharge is made, the percentage, if known; the estate, if any, to which the child is heir, and the insurance, if any, on the father's or mother's life; so far as can be ascertained, the place where either parent or both died, the nativity of the parents, where married, the marriage certificate, where recorded, when they came to California, place of residence in California, and habits of sobriety.

2. A book entitled "monthly accounts." In it must be entered on the debit side, all the moneys received from any and all sources segregated under the proper heads; on the credit side must be entered all disbursements made,

specifying for what purposes made, and the amount entered in detail as disbursed, segregated under their proper heads.

3. A pay roll of the employees, and the amounts disbursed to each.

4. A book in which must be entered in detail the amounts paid for the specific support of every orphan, half-orphan, or abandoned child and the date of each payment.

5. A transcript of the books and pay roll, verified under oath by the manager or person in charge of such institution entitled to or claiming state aid under this chapter, must be made and forwarded to the state board of control at the time of making demand or presenting claim for state aid, covering the time for which such claim or demand for state aid is made.

6. A list of all the inmates other than employees or orphans supported wholly or in part by any institution presenting a claim for state aid under this chapter, must also be forwarded with such claim for aid. [Amended, *Statute 1913*, p. 639.]

**Board of control, duties.**

**SEC. 2264.** The state board of control is authorized, in behalf of the state, at any time to inquire, either in person or by authorized agent into the management of any such institution; and any institution refusing, upon due demand, to permit such inquiry or to comply with regulations established by said board for the proper maintenance and care of children receiving state aid must not thereafter receive any aid under this chapter until it has complied with all requirements. To carry out the provisions of this act, the state board of control may appoint three children's agents who shall, under the rules of said board, visit the homes and the institutions in which are children to whom state aid is being given or for whom aid is being asked, to obtain such information as the board may need in carrying out the provisions of this chapter. Such agents shall receive their necessary travel-

bur expenses and a salary of one hundred and seventy-five dollars per month, which salary shall be paid in the same manner and at the same time as the salaries of other state officers. All expenses incurred in visiting said orphans and houses, when there are no other available funds, may be audited and allowed by the state board of control out of the appropriation for support of orphans, half-orphans, and abandoned children. In addition an advisory committee of three persons serving without pay or expense to the state may be appointed by the board of control, to act in any county in conjunction with the children's agents. [Amended, Statutes 1912, p. 631.]

#### **Presentation and allowance of claims.**

Sec. 2287. Every claim for aid under this chapter must be presented to and audited and allowed by the state board of control. Such claim must contain:

1. The name and location of the institution making the claim or the name of the county.

2. The name of the person or persons having charge or control of the institution or of the child.

3. The number of orphans, half-orphans, or abandoned children therein, in the case of an institution.

4. The date of admission and age of each child.

5. The amount, if any, that the institution is receiving for the specific support of any orphan, half-orphan, or abandoned child therein. Such claim, and the statements therein contained, must be verified by the person or persons, or some of them, in charge of such institution, or in the case of vagabonds, by the county officers in charge of the distribution of aid, and the state board of control may, in its discretion, require the production of the books of such institution or county in support of such claim. [Amended, Statutes 1912, p. 631.]

#### **Payment of damages.**

Sec. 2288. If such claim is audited and allowed, in whole or in part by said board, it is the duty of the controller to draw his warrant for the amount allowed in favor of such institutions, and it is the duty of the treas-

agree to pay the same on presentation. No money appropriated by the state to any institution claiming aid under this chapter, must be expended either in improvements or in the erection of new buildings by such institutions. [Enacted, Statutes 1907, p. 510.]

institutions and children entitled to aid.

Sec. 2288. In order that the provisions of this chapter shall not be abused, it is hereby declared:

1. That no institution which has less than twenty inmates of either or all of the classes mentioned in section twenty-two hundred and eighty-three, must be deemed an institution for the support and maintenance of minor orphans, half-orphans, or abandoned children, within the intent and meaning of this chapter.

2. That no child over the age of fourteen years shall be deemed a minor orphan, half-orphan, or abandoned child, within the intent and meaning of this chapter.

3. That no child for whose specific support there is paid to any such institution the sum of ten dollars or more per month shall be deemed a minor orphan, half-orphan, or abandoned child within the intent and meaning of this chapter.

4. That no child whose parent or parents have not resided in this state for at least three years prior to the application for aid, or whose parent or parents have not become citizens of this state shall be deemed a minor orphan, half-orphan or abandoned child within the intent and meaning of this chapter.

5. That no child maintained in an institution for whose bona fide offer of a proper home has been made shall be considered eligible for further state aid; it is further provided, however, that no institution shall be required to surrender a child to any person of religious faith different from that of the child or the parents of the child. [Amended, Statutes 1913, p. 631.]

**Foundling asylums.**

Sec. 2289. The provisions herein made for the support of orphans, half-orphans, and abandoned children

shall be held to include foundlings, and other dependent illegitimate infants who may have been or shall become dependent upon any regularly established foundling asylum, without regard to the time in which such infants have been dependent upon such institutions; and the relief herein provided shall be given for any fraction of a year, pro rata; provided, also, that the limitation of twenty inmates, mentioned in section twenty-two hundred and eighty-nine, shall, in relation to said foundling asylum, be construed to mean, not less than twenty admissions in the course of each year; and provided further, that for each abandoned or dependent illegitimate infant who now is or shall become dependent upon such foundling asylum, there shall be paid by the state the sum of twelve dollars and fifty cents per month from the time it becomes dependent upon such institution until such infant's death, or until it become adopted, or reach the age of eighteen months, after which age such asylum shall receive the same sum for such infants as allowed for full orphans. [Enacted, Statutes 1907, p. 211.]

**Duty of county auditor with respect to minor orphans or half-orphans.**

**Sec. 4980a.** It shall be and is hereby made the duty of every county auditor in the State of California to keep all the books and necessary accounts with reference to payments made by the county, of which he is auditor for minor orphans and half-orphans and abandoned children, and to prepare the necessary data and make out all claims against the state for such payments, and the board of supervisors may allow the auditor a reasonable compensation for performing the extra duty herein provided. [Enacted, Statutes 1907, p. 387.]



# GENERAL LAWS.

## ADOPTION OF CHILDREN.

An act to authorize the managers of orphan asylums to give their consent to the adoption of certain children under their care.

[Approved April 1, 1875. Statutes 1875-76, p. 562.]

**SECTION 1.** The managers of the several orphan asylums in this state are hereby authorized and empowered to consent to the adoption of any orphan child, or child abandoned by its parents, in the same manner that parents are by law authorized to consent to the adoption of their children; provided, however, that such orphan child, or child abandoned by its parents, shall have been in the charge and under the management of the managers of such orphan asylum for the period of one year prior to such adoption, and during that period supported wholly at the expense of said asylum.

## GUARDIANSHIP OF ORPHANS.

An act to provide for the appointment of guardians of children maintained in any orphan's home or orphan asylum in this state.

[Approved March 23, 1882. Statutes 1881, p. 162.]

**SECTION 1.** When any orphan or half-orphan has been maintained in any orphan's asylum or orphan's home in the State of California for more than one year, the managers of said home or asylum shall be entitled to the guardianship of such child in preference to any other person; provided, however, that such managers shall not be appointed guardian of a minor child over fourteen years of age without its consent, nor shall this act preclude the court of competent jurisdiction from inquiring into the

business of such managers for the guardianship of such children; but in exercising the power of the court to appoint guardians for infants, the managers of the house leaving the care of such child for more than one year shall, if there be no special reasons to the contrary in any particular case, be preferred in the guardianship of the person of the child to the parent so leaving the child without good cause therefore being shown, under the care of said house for the said time.

#### BOARD OF CHARITIES AND CORRECTIONS.

*To act to create a state board of charities and corrections, prescribing its duties and powers, and appropriating money therefor.*

[Approved March 25, 1911; amended May 1, 1911.  
Statutes 1911, p. 1231; 1911, p. 1234.]

SECTION 1. A state board of charities and corrections is hereby created of six members, to be appointed by the governor. . . .

SEC. 2. The board is hereby empowered and authorized, and it shall be its duty as a whole, or by committee, or by its secretary, to investigate, examine, and make reports upon all institutions or persons receiving any state aid for the care of orphans, half-orphan, abandoned or dependent children, and may prescribe forms of record thereof to be kept, and require reports thereof.

SEC. 4. Any public officer, superintendent, manager or person in charge of any said public institution, or with the administration of said funds, who refuses or neglects to furnish said board, its committee or secretary, the information and statistics which they may request or require shall be subject to a forfeiture of fifty dollars, to be recovered as provided in section 4 of this act for disobedience of a subpoena.

SEC. 7. No provision in this act contained shall in any way be construed as preventing the governor of this state from making a plenary investigation in reference to the

product of any public institutions under the terms of any act of the legislature of this state. Furthermore, the governor may at any time order an investigation by the board, or by a committee of its members, of the management of the above-named institutions, or any thereof.

#### HOME FINDING SOCIETIES.

It is providing for the supervision and control by the state board of charities and corrections of the placing of dependent children into homes and for the supervision of all societies or organizations engaged in such work and known as children's home finding societies.

[Approved April 24, 1911. Statutes 1911, p. 1487.]

SECTION 1. It shall hereafter be unlawful for any organization, society or persons to engage in the work of placing dependent children into homes in this state without first obtaining a permit therefor, duly executed in writing, from the state board of charities and corrections.

SEC. 2. The said state board of charities and corrections may investigate, or cause to be investigated, the books, records, and methods of such organizations, societies, or persons, and the disposition of the children coming into their custody; and it may make such rules and regulations as it may deem best for the government and regulation of such societies or persons, and may require such reports as it may desire.

SEC. 3. The said state board of charities and corrections is hereby authorized and empowered to withdraw and cancel any permit to engage in the work of placing children into homes for any failure to observe the rules and regulations established for their government, or the failure to report as required, or for any failure on their part to perform their work as required by the best interests of the state, but no permit shall be canceled or withdrawn without due notice and hearing.

Sec. 4. It is hereby made a misdemeanor for any person or persons, either as individuals or officers of any association or society, to engage in the work of placing children into homes, or the soliciting of funds therefor, in this state without a permit duly executed in writing by the state board of charities and corrections, authorizing said persons or such association or society to engage therein, or to engage in such work after any permit has been canceled.

Sec. 5. This act shall not be construed as applying to any regularly established orphan home or any officer or official thereof acting for or on behalf of such home receiving aid from the state for the care of orphans, half-orphans or abandoned children in any effort such institution or its officers may make to procure the adoption into homes or any officer or official thereof acting for or on behalf of such home of any such children.

#### GENERAL APPROPRIATION ACT.

An act making appropriations for the support of the government of the State of California for the sixteenth and nineteenth fiscal years.

[Approved June 19, 1913. Statutes 1913, p. 1343.]

Section 1. The following sums of money are hereby appropriated . . . for the support of the government of the State of California. . . .

##### ORPHAN AID.

For support of orphans, half-orphans and abandoned children, eight hundred sixty thousand dollars.

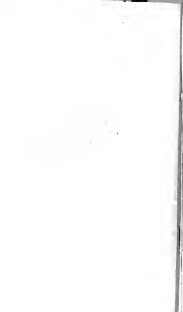
An act in relation to the care of orphan and abandoned children.

[Approved February 11, 1913. Statutes 1913-4, p. 32.]

Section 1. It shall be the duty of the officers or managers of each and every orphan asylum in this state to publish in January, April, July and October, in each year

in some newspaper of general circulation published in the county where such asylum is situated, a notice giving:

1. The name, if known;
2. The age, as near as may be;
3. The sex; and
4. Such other descriptions as would lead to identification of each child received into such asylum, either as an orphan or an abandoned child, since the last quarterly publication of a like notice.





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